

AMENDED IN SENATE JUNE 26, 1997  
AMENDED IN SENATE JUNE 25, 1997  
AMENDED IN SENATE JUNE 19, 1997  
AMENDED IN SENATE JUNE 12, 1997  
AMENDED IN ASSEMBLY JUNE 2, 1997  
AMENDED IN ASSEMBLY MAY 23, 1997  
AMENDED IN ASSEMBLY MAY 5, 1997  
AMENDED IN ASSEMBLY APRIL 24, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 1164**

**Introduced by Assembly Member Wright**  
*(Coauthor: Senator Calderon)*

February 28, 1997

---

An act to amend Section 94990 of, and to add Article 3.5 (~~commencing with Section 94770~~) to Chapter 7 of Part 59 ~~repeal Section 94753.5~~ of, the Education Code, and to repeal Section 32 of Chapter 62 of the Statutes of 1996, relating to postsecondary education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1164, as amended, R. Wright. Private Postsecondary and Vocational Education Reform Act of 1989.

(1) Existing law renders the Private Postsecondary and Vocational Education Reform Act of 1989 inoperative on June 30, 1997, and repeals the act on January 1, 1998.

~~This bill, with the exception of the provisions of the act governing its administration by the Council for Private Postsecondary and Vocational Education,~~ would render the act inoperative on July 18, 1997, and would repeal the act on January 1, 1998. Thus, the bill would extend the existence of criminal penalties under the act until July 18, 1997, thereby imposing a state-mandated local program. The bill also would make an appropriation by continuing the operation of continuous appropriations in the act until July 18, 1997.

~~The bill would require institutions operating with the approval of the council as of June 30, 1997, to be responsible for complying with all student protections and institutional standards in the act.~~

~~The bill would provide that any institution that has been approved by the council to operate as of June 30, 1997, or whose application has not been acted upon by that date, may continue to operate until July 18, 1997. The bill also would provide that any institution that begins operating on or after July 1, 1997, shall undertake good faith compliance with the act.~~

*The bill also would repeal the delegation authority of the Council for Private Postsecondary and Vocational Education which is included in the act.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1    ~~SECTION 1. Article 3.5 (commencing with Section~~  
2

1 *SECTION 1. Section 94753.5 of the Education Code is*  
2 *repealed.*

3 ~~94753.5. The council may delegate to the director any~~  
4 ~~power, duty, purpose, function, or jurisdiction that the~~  
5 ~~council may lawfully delegate, including the authority to~~  
6 ~~enter into and sign contracts on behalf of the council. The~~  
7 ~~director may redelegate any of those powers, duties,~~  
8 ~~purposes, functions, or jurisdictions to his or her designee,~~  
9 ~~unless by statute or regulation, the director is expressly~~  
10 ~~required to act personally.~~

11 ~~94770) is added to Chapter 7 of Part 59 of the Education~~  
12 ~~Code, to read:~~

13  
14 ~~Article 3.5. Transition Provisions~~  
15

16 ~~94770. It is the intent of the Legislature that there be~~  
17 ~~no interruption in student protections or institutional~~  
18 ~~educational standards affecting private postsecondary~~  
19 ~~educational institutions between July 1, 1997, and July 18,~~  
20 ~~1997. Further, it is the intent of the Legislature that~~  
21 ~~institutions operating with a full, conditional, or~~  
22 ~~temporary approval have that approval continued until~~  
23 ~~at least July 18, 1997.~~

24 ~~94771. Institutions operating with the approval of the~~  
25 ~~council as of June 30, 1997, shall be responsible for~~  
26 ~~complying with all student protections and institutional~~  
27 ~~standards contained within this chapter. Failure to~~  
28 ~~comply with this chapter between July 1, 1997, and July~~  
29 ~~18, 1998, shall be grounds for action as provided for in this~~  
30 ~~chapter.~~

31 ~~94772. Any institution operating as of June 30, 1997,~~  
32 ~~with a full, conditional, or temporary approval, or whose~~  
33 ~~application has not been acted upon or whose approval~~  
34 ~~has not been revoked by vote of the council, or that is~~  
35 ~~operating pursuant to Section 94831, may continue to~~  
36 ~~operate until July 18, 1997. Any institution subject to this~~  
37 ~~chapter that begins operating on or after July 1, 1997, that~~  
38 ~~was not operating with a full, conditional, or temporary~~  
39 ~~approval prior to that date, shall undertake good faith~~

1 ~~compliance with this chapter as of the first date of~~  
2 ~~operation.~~

3 SEC. 2. Section 94990 of the Education Code is  
4 amended to read:

5 ~~94990. (a) Except as provided in subdivision (b), this~~

6 ~~94990. This chapter shall become inoperative on July~~  
7 ~~18, 1997, and as of January 1, 1998, is repealed, unless a~~  
8 ~~later enacted statute, which becomes effective on or~~  
9 ~~before January 1, 1998, deletes or extends the dates on~~  
10 ~~which it becomes inoperative and is repealed.~~

11 ~~(b) Article 3 (commencing with Section 94740) shall~~  
12 ~~become inoperative on June 30, 1997, and as of January 1,~~  
13 ~~1998, is repealed, unless a later enacted statute, which~~  
14 ~~becomes effective on or before January 1, 1998, deletes or~~  
15 ~~extends the dates on which it becomes inoperative and is~~  
16 ~~repealed.~~

17 SEC. 3. Section 32 of Chapter 62 of the Statutes of 1996  
18 ~~is~~ is repealed.

19 SEC. 4. *The provisions of this act as they relate to the*  
20 *application of the urgency clause are severable. If the*  
21 *urgency clause is deemed invalid as it relates to the*  
22 *extension of the operation of the Council for Private*  
23 *Postsecondary and Vocational Education as provided in*  
24 *Section 2 of this act, that invalidity shall not affect other*  
25 *provisions or applications of the act that can be given*  
26 *effect without the invalid provision or application.*

27 SEC. 5. No reimbursement is required by this act  
28 pursuant to Section 6 of Article XIII B of the California  
29 Constitution because the only costs that may be incurred  
30 by a local agency or school district will be incurred  
31 because this act creates a new crime or infraction,  
32 eliminates a crime or infraction, or changes the penalty  
33 for a crime or infraction, within the meaning of Section  
34 17556 of the Government Code, or changes the definition  
35 of a crime within the meaning of Section 6 of Article  
36 XIII B of the California Constitution.

37 Notwithstanding Section 17580 of the Government  
38 Code, unless otherwise specified, the provisions of this act  
39 shall become operative on the same date that the act  
40 takes effect pursuant to the California Constitution.

1 ~~SEC. 5.—~~

2 *SEC. 6.* This act is an urgency statute necessary for the  
3 immediate preservation of the public peace, health, or  
4 safety within the meaning of Article IV of the  
5 Constitution and shall go into immediate effect. The facts  
6 constituting the necessity are:

7 In order to extend the operation of the Private  
8 Postsecondary and Vocational Education Reform Act of  
9 1989 as soon as possible, it necessary that this act take  
10 effect immediately.

O

